



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

JRE

Docket No: 7587-98

9 December 1999

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: [REDACTED]  
REVIEW OF NAVAL RECORD

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149  
(2) Director, NCPB ltr 5420 Ser:99-53, 24 Aug 99

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that his naval record be corrected to show that he was not released from active duty on 19 December 1997.
2. The Board, consisting of Messrs. Mazza, Pauling and Pfeiffer reviewed Petitioner's allegations of error and injustice on 2 December 1999 and, pursuant to its regulations, recommended corrective action.
3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:
  - a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.
  - b. Enclosure (1) was filed in a timely manner.
  - c. Petitioner entered on active duty for training on or about 19 October 1997, for a period in excess of thirty days. On 18 December 1997, the Commander, Naval Hospital, New Port, Rhode Island, directed that Petitioner be retained on active duty for the purpose of completing medical treatment. He estimated that the treatment would last at least thirty but not more than sixty days. Due to apparent administrative error, Petitioner was released from active duty on 19 December 1997 upon return to his home station.
  - d. In correspondence attached as enclosure (2), the Board was advised by the Director, Naval Council of Personnel Boards, in effect, that Petitioner should have been retained on active duty in December 1997 and referred to a Physical Evaluation Board. Accordingly, he recommended that Petitioner's request be granted.

## CONCLUSION:

Upon review and consideration of all the evidence of record, and particularly in view of the comments contained in enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.


## RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was not released on active duty on 19 December 1997, and that he was retained on active duty for medical evaluation and treatment, and referral to the Physical Evaluation Board for a determination of his fitness for duty.

b. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

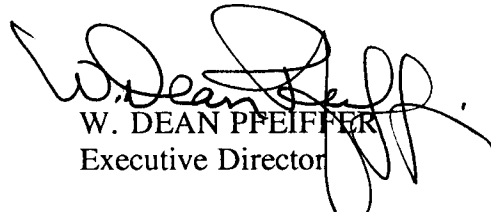
4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder



JAMES R. EXNICIOS  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER  
Executive Director